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SAN FRANCISCO

JUDGE ORDERS PROBE OF CIA ACTIVITIES IN NICARAGUA STAT

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In a case marking the second use of a Watergate-inspired federal law for handling allegations of government misconduct, the U.S. attorney general has been ordered to investigate the legality of covert CIA activities in Nicaragua.

U.S. District Judge Stanley S. Weigel on Thursday also said Attorney General William French Smith must appoint a special prosecutor unless he determines within 90 days that "paramilitary expeditions" into that Central American country have not violated the Neutrality Act. That law makes it a crime to organize or launch a paramilitary expedition into a country with which the United States is not at war.

Weigel said his directive was based on the Ethics in Government Act, which says the attorney general must investigate whether a federal official has violated criminal law if he receives "sufficient" information on possible offenses.

The ethics act was passed in 1978 after the discovery during the Watergate scandal that there was no legal framework for ordering an impartial criminal investigation of high government officials.

Weigel's summary judgment came on the same day the Senate approved continued CIA support for rebels battling the leftist Sandinista government in Nicaragua. Debate over whether the United States should back some 15,000 guerrillas supported by the Reagan administration now moves to a House-Senate conference committee.

The judge's order was in response to a lawsuit filed by U.S. Rep. Ronald V. Dellums of California and two women who sought to force Smith to investigate whether the Reagan administration's consent to the CIA operations violated the Neutrality Act.

Smith earlier had refused to launch an investigation.

The Justice Department planned no comment on the ruling until officials had read its text, spokesman John Russell said.

But Dellums hailed Weigel's order as a "major, major victory."

He predicted the investigation would conclude "that to finance people whose expressed effort is to overthrow the Nicaraguan government is clearly in violation of the law. And for the president to engage in that policy means ... that the president is engaging in lawless activity."

Weigel stressed that he was not ruling on whether any official had violated federal law, only that it was the attorney general's duty to investigate.

But the New York-based Center for Constitutional Rights, which argued the suit, claimed the order "shows the president cannot stand above the law and illegally invade or overthrow sovereign governments with which we are at peace."

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